

REMARKS

This Amendment is submitted in reply to the final Office Action mailed on April 19, 2006. A Request for Continued Examination (RCE) and petition for a one month extension of time is submitted herewith. The Director is authorized to charge the RCE fee (\$790.00) and one month petition for extension of time fee (\$120.00) and any addition fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 115808-338 on the account statement.

Claims 1-6 and 8-33 are pending in this application. Claim 7 was previously canceled. In the Office Action, Claims 1-6 and 8-33 are rejected under 35 U.S.C. §102 and Claims 1-6 and 8-33 are rejected under 35 U.S.C. §103. In the Advisory Action dated August 8, 2006, the Patent Office withdrew the previous rejection under 35 U.S.C. §112. In response Claims 1, 4, 6, 10, 13, 15, 20-24 and 30-31 have been amended, and Claims 2-3, 5, 9, 11, 14, 18 and 25-29 have been canceled. These amendments do not add new matter. In view of the amendments and/or for the reasons set forth below, Applicant respectfully submits that the rejections should be withdrawn.

In the Office Action, Claims 1-6 and 8-33 are rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,776,524 to Reinhart ("*Reinhart*"). Applicant respectfully disagrees with and traverses this rejection for at least the reasons set forth below.

Applicant has amended independent Claims 1, 6, 13, 20-24 and 30-31 to recite, in part, a nutritional agent comprising a prebiotic, a probiotic micro-organism and a long-chain fatty acid. The amendments are supported in the specification, for example, at page 4, lines 11-14 and page 7, lines 5-17. In contrast, *Reinhart* fails to disclose or suggest every element of the present claims as currently amended.

Reinhart fails to disclose or suggest a nutritional agent including a prebiotic, a probiotic micro-organism and a long-chain fatty acid as required, in part, by the present claims. In fact, *Reinhart* fails to teach or suggest the use of a probiotic micro-organism or a long-chain fatty anywhere in its disclosure.

Moreover, the claimed methods are directed to improving or maintaining the skin and coat system of a pet in need of such treatment. As a result, the methods require, in part, feeding or administering a nutritional composition to a pet having skin or coat system deficiencies in accordance with the present claims. At no point does *Reinhart* disclose or even recognize any

methods of feeding or administering compositions to a pet suffering from skin or coat system deficiencies. For the reasons discussed above, Applicant respectfully submits that Claims 1-6 and 8-33 are novel, nonobvious and distinguishable from the cited reference.

Accordingly, Applicant respectfully requests that the rejection of Claims 1-6 and 8-33 under 35 U.S.C. §102 be withdrawn.

In the Office Action, Claims 1-6 and 8-33 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Reinhart* in view of *LABDIET '98*, WO 9856263 to Marsh et al. ("*Marsh*"), U.S. Patent No. 6,156,355 to Shields et al. ("*Shields*") and EP 850569 to Ballevre et al. ("*Ballevre*"). Applicant believes this rejection is improper and respectfully traverses it for at least the reasons set forth below.

Applicant respectfully submits that, even if combinable, all of the claimed elements are not taught or suggested by the cited references. For example, *Reinhart*, *LABDIET '98*, *Marsh*, *Shields* and *Ballevre* all fail to disclose or suggest Applicant's claimed methods comprising the step of administering a nutritional agent including a prebiotic, a probiotic micro-organism and a long-chain fatty acid as required, in part, by the present claims.

Moreover, *Reinhart*, *LABDIET '98*, *Marsh*, *Shields* and *Ballevre* are not even concerned with any methods for improving or maintaining the skin and coat system of a pet in need of same using prebiotics, probiotics and long-chain fatty acids as taught by Applicant. *Reinhart*, *LABDIET '98*, *Marsh*, *Shields* and *Ballevre* fail to recognize a problem that Applicant's invention solves or advantages that Applicant's invention has. In fact, the Patent Office has failed to show any evidence in the cited references regarding improving or maintaining the skin and coat system of a pet in need of same or the step of feeding or administering to the pet a nutritional composition including a prebiotic, a probiotic micro-organism and a long-chain fatty acid for improving or maintaining the skin and coat system. *Reinhart*, *LABDIET '98*, *Marsh* and *Shields* also provide no teaching, guidance or experiments as to methods for improving or maintaining the skin and coat system of a pet using a nutritional agent including a prebiotic, a probiotic micro-organism and a long-chain fatty acid as Applicant has done. As a result, the cited references fail to achieve a reasonable expectation of success in accordance with the present claims.

For the reasons discussed above, the combination of *Reinhart*, *LABDIET '98*, *Marsh*, *Shields* and *Ballevre* does not teach, suggest, or even disclose all of the elements of the present claims, and thus, fails to render the claimed subject matter obvious.

Accordingly, Applicant respectfully requests that the obviousness rejection with respect to Claims 1-6 and 8-33 be reconsidered and the rejection be withdrawn.

For the foregoing reasons, Applicant respectfully requests reconsideration of the above-identified patent application and earnestly solicit an early allowance of same.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY 

Robert M. Barrett
Reg. No. 30,142
Customer No. 29157

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